

REMARKS

By this amendment, the drawings and claims 1, 3, 5, 7, 9, 10, 20, 23, and 24 have been revised and claims 12 and 13 are canceled to place this application in condition for allowance. Currently, claims 1-12 and 15-30 are before the Examiner for consideration on their merits.

In response to the objection to the drawings, corrected Figures 3 and 4A are submitted in a separate letter to the draftsman, and this submission effectively removes the objection to these Figures. Figure 3 is revised to include the PRIOR ART legend, and the numbering of the ramp in Figure 4A is corrected to "31."

In response to the rejection under 35 U.S.C. § 112, second paragraph, claims 7-9, 20, 23, and 24 are revised to address the instances of indefiniteness raised by the Examiner. It is contended that the changes to these claims overcomes the instances of indefiniteness, and that the rejection should be withdrawn.

Turning now to the prior art rejections, the Examiner has withdrawn the previously-made rejections in favor of a new rejection relies on the Applicant's prior art trailer as a primary reference to reject all of the independent claims.

It is respectfully submitted that the rejection fails when considering the changes to the claims under rejection. The differences between the invention and the prior art are addressed under the headings of the invention and the claims argued to be patentable over the applied prior art.

INVENTION

As explained in the specification, the invention is an improvement in the prior art trailer of the Applicant. For the Examiner's benefit, two drawings are attached that show the prior art trailer in a side-by-side comparison with one embodiment of the low profile trailer of the invention. As is evident from this comparison, the two trailers are not even remotely similar, with the prior art trailer employing a box beam construction for the entire front end assembly. This is contrasted with the box beam of the embodiment of the invention that allows the trailer to be lower in profile, permits the use of removable ramps, all without sacrificing the ability of the trailer to be lifted carrying a large load. The extra strength necessary for the low profile length of the trailer front end assembly is derived from the box beam. This has the added benefit of allowing the ramps to be separate, the ramps designed for carrying only vertical loads during loading. The construction of the inventive trailer is nowhere to be found within the prior art trailer, and the claims have been revised to clarify

the distinctions between the two.

CLAIM 1

Claim 1 is revised to define the box beam rails that are aligned with the center rails of the trailer as the outer side walls of the box beam. In the rejection, the Examiner asserted that the features of claim 1 were found in the admitted prior art. The revisions to claim 1 preclude the Examiner from maintaining the position that the admitted prior art anticipates claim 1. The front end assembly of the admitted prior art extends from side to side of the trailer. The outer walls of the front end assembly of the prior art trailer align with the sides of the trailer bed. These outer walls are not aligned with the center portion rails of the trailer, and anticipation is precluded on this basis.

Lacking a *prima facie* case of anticipation, the Examiner can only rely on 35 U.S.C. § 103(a) to further reject claim 1. However, there is no basis to formulate such a rejection other than the use of hindsight. Therefore, the rejection as applied against claim 1 must be withdrawn, and the claim passed to issuance.

CLAIM 3

Claim 3 defines an improvement in the method of lifting a lowboy trailer such as the admitted prior art trailer. In the prior art trailer, the entire front end assembly distributes the load to the trailer. As explained on page 4 of the application, the lifting force for these low boy trailers is tremendous, and the entire front end assembly is used to distribute the load to the trailer.

In rejecting claim 3, the Examiner alleged that the admitted prior art taught such a method since it include a tapered box beam. In fact, the instant application teaches that the reason for the box beam construction of the prior art trailer is to be able to handle the intended carrying loads. One would not arbitrarily compromise this construction in the face of this need. The invention creates a unique solution to the problems created by the front end assembly of the prior art trailer, and this solution is not found within the teachings of the admitted prior art.

It is contended that claim 3, as amended, is not anticipated by the admitted prior art. The prior art does not disclose a box beam that is less than a width of the trailer and is one that distributes the lifting load to a center portion of the trailer. In the admitted prior art, the lifting load applied to the front end assembly is distributed to the entire trailer bed. The failure of the admitted

prior art to teach the steps of claim 3 precludes an anticipation rejection.

As with claim 1, there is no basis to make the front end assembly of a width less than the trailer while maintaining the claimed function without knowing the Applicant's invention. Lacking a basis for anticipation and obviousness, claim 3 is also patentably distinct from the admitted prior art.

CLAIM 5

Claim 5 defines an improvement in the type of trailer of the admitted prior art, i.e., one that has a front end assembly with a pick up shaft, hitch contact area, and opposing ramp section. The improvement is now defined in terms of a means for distributing the lifting load only along a center portion of the front end assembly. The admitted prior art, by its construction of an integral front end assembly distributes the load uniformly across the front of the trailer bed, and does not do it along a center portion as is recited in claim 5. In other words, there are no such distributing means in the admitted prior art that function in the claimed manner, and this prior art cannot anticipate claim 5 for this reason.

Moreover, since the concept of the load distribution of the invention for the purpose of attaining a low profile trailer is foreign to the admitted prior art, there is no basis to conclude obviousness. Therefore, claim 5 is patentably distinguishable over the admitted prior art.

CLAIM 7

Claim 7 also stands rejected as anticipated by the admitted prior art. This rejection cannot stand in light of the fact that claim 7 now clarifies that the trailer bed ramps are removably linked to the trailer bed assembly, with the box beam assembly disposed between the removable ramp sections. This configuration is not found in the admitted prior art since the ramps and hitch area are all part of an integral front end assembly, and the admitted prior art cannot anticipate claim 7 for this reason.

As with claims 1, 3, and 5, there is no basis to modify the admitted prior art to arrive at the invention without resort to Applicant's invention, and such a rejection could not be sustained upon appeal.

CLAIM 10

Claim 10 is revised to clarify that the side bed sections are removable and that the trailer method includes attachment of removable ramp sections around the box beam. These steps are not taught by the construction of the admitted prior art trailer, and this prior art cannot anticipate claim 10. Also, there is no basis to contend that the admitted prior art establishes a *prima facie* case of obviousness without the use of hindsight.

CLAIM 14

Applicant contends that the rejection of claim 14 is misplaced. The Examiner asserts that it would be obvious to employ tapered rails with webs and opposing flanges for structural rigidity as a replacement for the construction of the front end assembly of the trailer of the admitted prior art. This contention does not rise to the level required to support a rejection under 35 U.S.C. § 103(a). The front end assembly is described in the specification as employing plates and support members, which would be seem to be lighter in weight than flanged rails, thus detracting from the allegation that one would use the claimed features for the reasons proffered by the Examiner. It is argued that there is no basis to allege that the features of claim 14 are obvious variants of the admitted prior art trailer, and that this claim stands alone for purposes of patentability.

CLAIM 24

In the rejection, the Examiner acknowledges that the admitted prior art does not teach the claimed adapter block. The Examiner cites United States Patent No. 3,536,340 to Talbert for the proposition that an adapter block is known, pointing to reference numeral 31 in the reference. Claim 24 is revised to clarify that the adapter block is underneath the top surface in the stored position, and this is not shown in Talbert. Thus, even if the block of Talbert were used, the modified admitted prior art trailer would still not meet the current limitations of claim 24.

It is further argued that since the trailer already has ramp sections, why would one use the adapter block of Talbert on a trailer that already has ramp sections? There is no reason to do so, and claim 24 is separately patentable from the admitted prior art and Talbert.

REMAINING CLAIMS

Since the remaining claims are dependent on one of the claims argued above to be patentable over the applied prior art, they are in condition for allowance by reason of their

dependency.

SUMMARY

It is contended that the Examiner has not established a *prima facie* case of anticipation or obviousness against the claims 1, 3, 5, 7, 10, 14, and 24 as argued above and these claims are patentably distinguishable over the applied prior art. Their respective dependent claims are also in condition for allowance.

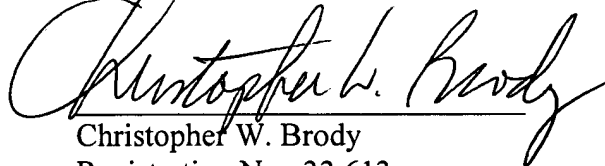
Accordingly, the Examiner is respectfully requested to examine this application and pass all pending claims onto issuance.

The above constitutes a complete response to all issues raised in the Office Action dated May 4, 2006.

Again, reconsideration and allowance of this application is respectfully requested.

Applicant petitions for a one month extension of time. A check in the amount of \$60.00 is enclosed for the petition fee. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in cursive script, reading "Christopher W. Brody", written in dark ink over a horizontal line.

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